IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Sri Chand & Anr. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 1480/2006
against the order dated 26-9-2006 passed
by the Sessions Judge, Hanumangar, in
Criminal Revision No. 206/2003.

...

Date of Order: November 21, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Vipin Mankad, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Heard learned counsel for the petitioners and the Public Prosecutor.

The order dated 26-9-2006 passed by the Sessions Judge, Hanumangarh (for short, "the Revisional Court" hereinafter) in Criminal Revision Petition No.206/2003 has been impugned by the petitioners, whereby the Revisional Court dismissed the revision petition filed by the petitioners against the order dated 23-5-2003 passed by the Additional Chief Judicial Magistrate, Hanumangarh (for short, "the trial Court" hereinafter).

I have carefully gone through the orders passed by

the Courts below.

It is contended by the learned counsel for the petitioners that the petitioners are the Trustees and the complainant/non-petitioner No.2 is a tenant in the Trust's property. From the order impugned, it appears that the non-petitioner No.2, who is admittedly a tenant of the Trust, was in possession of the premises as a tenant. The allegation against the petitioners is that they, along with other persons, committed house trespass, caused damage to the property by demolishing the latrine, also damaged the water tank and caused injuries to the complainant/non-petitioner No.2.

Keeping in view the this evidence, prima facie the trial Court came to the conclusion that there is ground to proceed against the present petitioners for the offences under Sections 447, 427 and 323 IPC. In my view, the trial Court was justified in proceeding against the petitioners by taking cognizance of the aforesaid offences and issuing the process, as also the Revisional Court in dismissing the revision petition. No case for interference in the inherent jurisdiction is made out.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs